

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BRISTOL HOUSE CONDOMINIUM  
ASSOCIATION,

Plaintiffs/Counter-Defendants,

v.

MENSAH CONE,

Defendant/Counterclaimant,

v.

EMILIO SANTIAGO, LLC, et al.

Third-Party Defendants.

No. 4:21-CV-1235 RLW

**MEMORANDUM AND ORDER**

This matter comes before the Court on defendant Mensah Cone's motion for leave to commence this civil action without payment of the required filing fee. (ECF No. 3). Having reviewed the motion, the Court finds that it should be granted. See 28 U.S.C. § 1915(a)(1).

The Court also reviewed the file in this matter and finds the case should be remanded. On October 13, 2021, defendant Mensah Cone, who is proceeding pro se, filed a Notice of Removal, stating that he was removing to this District the case that was filed against him in the Superior Court of New Jersey, Law Division, Bergen County, Case No. BER-L-002779-20.

This Court finds Defendant Cone improperly removed the above-captioned case to this District. Pursuant to 28 U.S.C. § 1440, "any civil action brought in a State Court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1440 (emphasis added). Setting aside whether federal jurisdiction exists in this case, Defendant Cone improperly removed a case pending in state

court in New Jersey to the United States District Court for the Eastern District of Missouri. Id.; see also 28 U.S.C. § 1446(a) (a defendant “shall file in the district court of the United States for the district and division within which such action is pending, a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal.”) (emphasis added). As this case was improperly removed, the Court will remand the action to state court.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Mensah Cone’s motion for leave to proceed in forma pauperis is **GRANTED**. (ECF No. 3)

**IT IS FURTHER ORDERED** that this case is **REMANDED** to the Superior Court of New Jersey, Law Division, Bergen County.

An appropriate Order of Remand will accompany this memorandum and order.



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**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**

Dated this 14th day of February, 2022.